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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,029	03/02/2004	Jay S. Walker	03-013	1254
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WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905				
EXAMINER				
DEODHAR, OMKAR A				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,029

Applicant(s)

WALKER ET AL.

Examiner

OMKAR A. DEODHAR

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-12, 15, 17-23, 26, 28-35 and 38-54 is/are pending in the application.
- 4a) Of the above claim(s) 7, 11, 18, 22, 29, 33, 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 8-10, 12, 15, 17, 19-21, 23, 26, 28, 30-32, 34, 35, 38-41, 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Non-Final Rejection

Response to Amendment & Arguments

This is responsive to the RCE & claim amendments submitted 11/28/2008.

Applicant's arguments have been considered but are not persuasive. Applicant argues that because Bennett requires a match between the combination displayed on the primary display & a winning combination, to then display the combination on the secondary display, Bennett does not teach the claim limitations. Examiner disagrees. Regardless of Bennett's invoking the second display based on a winning combination on the primary display, it is still the case that Bennett displays symbols on the secondary display in a linear, easier to read format, than symbols displayed on the primary display. This is the relevant teaching of Bennett. As shown in Figures 6/7 & discussed in Paragraph 41, Bennett's scorecards always show winning symbols in a linear format. Applicant argues that Bennett does not teach that the outcome on the secondary display is displayed upon the outcome being displayed in a non-linear format on the non-winning display. True. But, Bennett is only relied upon for displaying symbols on the secondary display in a linear manner upon symbols displayed on the primary display. Kaminkow's secondary display replicates the primary display in both winning & non-winning situations. See Kaminkow Col. 3. Lines 21-29. Thus, the combination of Kaminkow & Bennett results in outcomes linearly displayed on a secondary display upon non-winning or winning outcomes displayed on a primary display.

Applicant's arguments traversing the section 112 rejections of claims 39 & 42 are persuasive & these rejections have been withdrawn

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4, 12, 15, 23, 26 & 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

These claims recite "wherein the linear outcome is displayed via the second display upon the non- linear outcome being determined for display via the first display and **only** if the non-linear outcome is determined for display via the first display such that the outcome is displayed in both a non-linear format and a linear format in response to a single and particular random number being determined." Examiner cannot find support in the Specification for the condition upon which the linear outcome is displayed on the second display. Applicant is requested to point out where in the Specification this limitation is disclosed or to cancel this limitation.

Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 44 depends on a withdrawn claim. Claim 44 has been examined as if it depended from claim 4. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 8, 10, 12, 15, 17, 19, 21, 23, 26, 28, 30, 32, 35, 38-41, 43, 45-47, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow (US 6,695,696 B1) in view of Bennett et al. (US Patent Pub. 2003/0001338 A1).

Regarding claims 1, 4, 12, 15, 23, 26, 35, 38 & 52, Kaminkow teaches a gaming device having a secondary display for providing the user with winning payoff information. More specifically, Kaminkow teaches a slot machine comprising:

- a. A processor (feature 38);
- b. A first display coupled to the processor and operable to display a non-linear outcome, the non-linear outcome including a set of reel positions that are disposed along a line that is not straight, each reel position including at least one symbol (See figure 7 and the description thereof);
- c. The first display screen displays the outcome in a conventional manner wherein the non-linear outcomes are displayed in a non-linear manner (figure 7);

Kaminkow fails to explicitly disclose displaying the non-linear outcome as a horizontal or straight linear outcome & further, wherein the linear outcome is displayed via the second display upon the non-linear outcome being determined for display via the first display and only if the non-linear outcome is determined for display via the first display such that the outcome is displayed in both a non-linear format and a linear format in response to a single and particular random number being determined.

Bennett teaches displaying via a secondary display an indication of the winning game outcome in a horizontal linear format (Bennett - figures 7-9). This includes at least one symbol from the non-linear outcome. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to redisplay nonlinear outcomes as horizontal linear outcomes as taught by Bennett et al. in order to make reading the results of the outcome easier for players. Furthermore, Kaminkow's secondary display replicates the primary display in both winning & non-winning situations. See Kaminkow Col. 3. Lines 21-29. Thus, the combination of Kaminkow & Bennett results in outcomes linearly displayed on a secondary display upon non-winning or winning outcomes displayed on a primary display.

Both Kaminkow & Bennett are directed towards randomly determined outcomes based on RNG. This is how gaming machine outcomes are determined. It would therefore have been obvious to one of ordinary skill in the art at the time of Applicant's invention to display the non-linear & linear outcomes on the primary & secondary displays, respectively, in response to determining a single random number, as taught by RNG for the purpose of providing a randomly determined outcome.

Regarding claims 6, 17 and 28, wherein the second display displays an indication of which outcomes are winning outcomes (Kaminkow, col. 10, lines 24-38; winning outcomes receiving a payout are highlighted).

Regarding claims 8, 19 and 30, wherein the second display further displays an indication of outcomes upon which a wager was placed (Kaminkow, col. 12, lines 38-52; the second display further comprises a table for the payout of each payline, therefore the player bidding on various paylines will receive a payout table which indicates which paylines they've played and their payout corresponding to each payline).

Regarding claims 10, 21 and 32, wherein the second display only displays winning outcomes (Kaminkow, col. 11, lines 20-45).

Regarding claim 39, wherein the representation is not a paytable. Kaminkow's display is not a paytable.

Regarding claims 40 and 41, Bennett's display redisplay the outcome as a linear outcome and substantially concurrently (figures 7 and 8 of Bennett).

Regarding claim 43, Kamikow & Bennett teach the invention substantially as claimed, but fails to teach the use of the secondary display as an input device for making wagers by the player. Kaminkow teaches that the primary display is a touchscreen used by the player to make wagers. (Kaminkow Figure 2, touch screen 46 & Figure 1, bet button 24). Making the secondary display a touch screen for making wagers is a mere duplication of essential working parts of a device and involves only routine skill in the art. Therefore it would have been obvious to one of ordinary skill in

the art to implement another input device in the secondary display, similar to that of the first display.

Regarding claims 45-47, Kaminkow teaches the use of highlighting to indicate reels that a player has wagered on (11:35-45) and therefore paylines that are not highlighted are indicated as non-wagered paylines. The two are visually distinct from one another.

Regarding claim 51, the prior art teaches secondary displays. Retrofitting a secondary display on a machine or replacing a display with another display is viewed as design choice that would have been obvious to one of ordinary skill in the art at the time of Applicant's invention & well within the level of ordinary skill.

Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claim 23 above, and further in view of Katz (6,811,484).

Kaminkow & Bennett teach the invention substantially as claimed but do not teach a mobile terminal such as a PDA. Katz teaches remote play using PDA's. See Katz Col. 18. Lines 1-10. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide play on PDA's for the purpose of increasing revenue by permitting play using remote devices.

Claims 9, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow in view of Bennett et al. as applied to claims 4, 15 and 26 above, and further in view of Falconer (US Pub. 2003/0060268).

Kaminkow & Bennett teach a slot machine, method and supplemental display as discussed in greater detail above. However, Kaminkow & Bennett do not explicitly teach displaying an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome. In a related gaming device, Falconer teaches a slot machine having multiple displays (features 30, 32 and figure 1B). The slot machine displays paylines not chosen by the player in order to increase player excitement by providing the player with information (payout amounts) on paylines not wagered on by the player that would have been won had the player wagered on the not chosen paylines (paragraph 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the display of Kaminkow & Bennett to display an indication of a payout amount per each outcome that would have been won had a wager been placed upon each outcome as taught by Falconer in order to increase the player excitement as desirably taught by Falconer in paragraph 45.

Claims 34, 44, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminkow and Bennett as applied to claims 1, 4 & 26 above, and further in view of Benbrahim (US Pub. 2003/0186736).

Kaminkow & Bennett teaches the invention substantially as claimed, but fail to teach displaying an explanation of why an outcome is a winning outcome or a non-winning outcome. In a related gaming device, Benbrahim teaches a slot machine that allows a player to play multiple paylines simultaneously & request information. (Fig. 8, Items 528/529 and the related description thereof). An explanation of why an outcome is a winning outcome or a non-winning outcome is displayed on the screen 450 (Fig. 8)

to help clarify winning outcomes and non-winning outcomes to players requiring assistance to decipher winning outcomes and payout totals (paragraph 3 and 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display of Kaminkow & Bennett to display an explanation of why an outcome is a winning outcome or a non-winning outcome as taught by Benbrahim in order to clarify winning outcomes and non-winning outcomes to players as taught by Benbrahim in paragraph 3 of Benbrahim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OAD/

/Corbett Coburn/
Primary Examiner
AU 3714